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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 NATHANAEL WILFRED
6 BROUSSARD,

7 Plaintiff,

8 v.

9 TACOMA NEWS TRIBUNE,

10 Defendant.

CASE NO. C19-6022 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

11 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge. Dkt. 5.

12 On October 25, 2019, Plaintiff filed a motion to proceed *in forma pauperis* and a proposed civil rights complaint. Dkt. 1. Plaintiff is a prisoner e-filer with access to the CM/ECF system.

13 On November 20, 2019, Judge Christel ordered Plaintiff to file an amended complaint or show cause why the proposed complaint should not be dismissed by December 20, 2019. Dkt. 4. Plaintiff did not respond to the show cause order.

14 On January 2, 2020, Judge Christel issued the R&R recommending the case be dismissed without prejudice pursuant to 28 U.S.C. § 1915. Dkt. 5. On January 6, 2020, the R&R addressed to Plaintiff was returned as undeliverable because Plaintiff was transferred to another facility. A deputy clerk of court updated Plaintiff’s address and regenerated notice of the filing of the R&R.

1 In this case, Plaintiff failed to respond to the show cause order or file an amended
2 complaint by the required deadline of December 20, 2019. Thus, the Court agrees with
3 the R&R that the proposed complaint should be dismissed without prejudice.

4 The local rule concerning involuntary dismissal, which allows the Court to dismiss
5 an action 60 days after mail directed to a pro se plaintiff is returned, is not implicated in
6 this case. *See* Local Rules W.D. Wash. LCR 41(b)(2). While the R&R was returned to the
7 Court as undeliverable, the show cause order preceding the R&R was sent electronically
8 to Plaintiff without incident. Plaintiff's failure to respond to the show cause order by the
9 deadline set by the magistrate judge is adequate cause for this Court to dismiss his case
10 without prejudice at this time. Notice of the R&R was also regenerated, but Plaintiff did
11 not file objections.

12 Therefore, the Court having considered the R&R and the remaining record, does
13 hereby find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
- 15 (2) Plaintiff's motion to proceed *in forma pauperis* is **DENIED as moot**;
- 16 (3) Plaintiff's case is **DISMISSED without prejudice**; and
- 17 (4) The Clerk shall enter **JUDGMENT** and close the case.

18 Dated this 10th day of February, 2020.

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21 BENJAMIN H. SETTLE
22 United States District Judge